Ayyar, Paul Mampilli, C. N. Ittiravi Nambudiri, K. Ayyappan T. K. Nayar, the lady member and the mover.

Motion put and carried.

President.—The Law Member will be the Chairman of the Committee and the report would be submitted within two months.

Resolutions.

1. Revision of the pay of the clerks and Head clerks of the Registration Department.

Mr. Paul Mampilli.—Sir, I had requested the President to allow me to amend the resolution restricting the scope of it to the following effect :—

This Council recommends to the Government that the Government be pleased to revise and standardise the pay of the clerks and the head clerks in the Registration Department so as to give them Rs, 25—40 and Rs. 40—60 respectively as obtains in other departments of the State.

Sir, I am glad that this resolution is one which finds favour with many Hon'ble Members of this House as evidenced, from the various resolutions on the same subject that find a place in the Agenda. Though the Hon'ble Members may be well aware of the anomalous position in which the clerks and Head clerks of the Registration Department are placed I think it is desirable to state a few salient facts regarding this question.

Let me at the outset state that the definite request of this resolution is that the pay of the clerks in Registry Offices should be made Rs. 25—40 as in other departments of the State service and the pay of the head clerks in the Registry Offices should be Rs. 40—60. With regard to the pay of the clerks I am only reiterating a resolution passed by this Council in 1104 recommending to the Government that the pay of the clerks in the Registry Offices should be fixed at Rs. 25—40. The reasons that actuated the Council on that occasion in making such a recommendation exist to-day as strongly as they existed six years back. Prior to 1095 it is found that while the copyists in the Munsiff's and Magistrate's courts were being paid Rs. 12 the clerks in the Registry Offices were paid Rs. 15. After the re-organisation in 1095 up to 1105 the clerks in the Registration Department were paid the same scale of pay as was given to the clerks in the Taluk Offices, Munsiffs' Courts and Magistrate's Courts. But in 1105 passing orders on the recommenda-

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tions of the Special Finance Committee, the Government deviated from the practice that had existed so far and decided to treat the clerks of the Registry Offices on a different and lower footing. It may be that the Special Finance Committee had some responsibility in introducing this invidious and unhappy distinction. Based on an incorrect and incomplete understanding of the nature of the work of these clerks the Special Finance Committee came to the conclusion that the clerks of the Registry Offices should be treated as mere copyists. In coming to this conclusion, the Committee evidently did not take into account the previous history of the Registration Department and the practice obtaining elsewhere. If, the previous history had been studied and the practice in Travancore, Mysore and the Madras Presidency had been considered, the Committee, I feel sure, would have treated the clerks in the Registration Department as clerks of any other departments in the State.

The House rose for lunch at 2 p. m. and reassembled at 3 p. m. with M. R. Ry., P Krishna Menon Avl, in the Chair.

Mr. Paul Mampilli.—The recommendation of the Committee was protested against most strongly by the then Head of the Registration Department and the Government accepting the contention of the Superintendent decided to treat the clerks of the Registration Department as clerks; but unfortunately in fixing their pay the Government deviated from the general rule and gave them only Rs. 25—30 on the ground that the Special Finance Committee had recommended only Rs. 25—40 as pay of most of the Head clerks of the Registry Offices. I submit, that this action of the Government was not warranted by the conclusions they arrived at with regard to the status of these clerks and it has caused very great disappointment and discontent in the Registration Department. When the Government did not accept the recommendation of the Committee in treating the clerks of the Registration Department as copyists, logically they ought to have treated them as clerks in other departments and fixed their pay at Rs. 25—40 and also modified the Committee's recommendation regarding the pay of the Head Clerks at a higher grade than that proposed by the Committee. If only the Government had done this, when it did not hesitate to give increased pay in several other instances, there would not have arisen the necessity of this Council discussing this subject on different occasions. There is no reason why these clerks should be treated in a different way. The clerks in the Registration Department are to have the same qualifications as clerks in other Departments. They have to supplement their

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general educational qualification by passing tests as in other departments. The clerks of this department are not usually transferred to other departments with better pay. For these reasons I submit that the inferior status and lower pay now granted to the clerks of the Registration Department should be given up and that they should be treated as clerks in the other departments. I understand that after 1105 these clerks have been petitioning the Government on more than one occasion but the Government have so far remained unsympathetic.

The second point of my resolution refers to another very grave injustice done to a very deserving class of officers, viz., the Head clerks of the Registry offices. There are 26 Head Clerks of Registry Offices of whom 9 draw Rs. 40—60 and 17 Rs. 25—40. All these 26 Head clerks are doing the same work and when a few of them draw Rs. 40—60 the other 17 have a just grievance. At one time a justification for this difference was attempted to be made on the ground that the nine 40-60 Head clerks were to work in heavier Taluq Head quarter offices. But when this pay was made personal by the Diwan's Proceedings Dis. 6592/07 dated 15th February 1932, the question of heavier work justifying higher pay does not arise. As it is, 'X' may be the Head clerk of a particular office and drawing 40--60 but when 'Y' succeeds 'X' in that office he gets only 25--40. Can a more arbitrary method of fixing salary be conceived? There was an attempt made in this Council to show that there were independent Registry Offices and non-independent Registry Offices in Cochin. But I find that each Registry Office in the State is an independent office working directly under the supervision of the head of the department. There may be offices where more work is being turned out than in some other offices but in such cases a larger number of clerks will be found working in such offices, e. g., in Ernakulam where there is heavy work there are 6 clerks while in Narakkal where the work is not so heavy, there are only 3 clerks. Under these circumstances there is absolutely no reason to differentiate between one Head clerk and another. It may be stated that the Head clerks on 25--40 can be promoted to the higher grade. But the very small number of the places on 40--60 on the one hand and the recruitment of outsiders as District Registrars blocking the promotion of the Head clerks on 40--60 make the chances of promotion very very limited. Besides, the difference in the period of service between the Head clerks of the two sets is so small that most of the Head clerks on 25-40 will be retiring along with those on 40-60. Therefore these Head clerks on 25-40 cannot have even a reasonable though

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far away chance of getting promoted to the higher grade before they retire.

This Council recommended recently that the typist should be paid 40-60 and the Government accepted the recommendation. I ask the Government, are not the Head Clerks of Registry Offices carrying out more responsible work than the typists in the several offices. When, as suggested before, the clerks in the Registry Offices are paid 25-40, it naturally follows that the Head Clerk of these offices should be getting something higher. Further it appears to me and for a very good reason that these Head Clerks should occupy a higher status than the Head Clerks in other departments. The Head Clerks of the Registry Offices have to act as the heads of offices during the absence on short leave of the District Registrars. It is to be noted that these are the only officers who by the virtue of their office have to exercise the full powers of the head of the office during his absence. The District Registrar is also the Notary Public, Kuri Registrar, Registrar of Joint Stock Companies and as the Head Clerks while in charge have to discharge all these functions, they have not only to be fully conversant with Registration laws, but also the laws and regulations pertaining to these offices as well. And while in charge of the work of the head of the office they have also to discharge their own special responsibilities as Head Clerks. Look at the heavy responsibilities of these Head Clerks. And yet these Head Clerks who at times occupy the position of Registrars, are paid the magnificent sum of 25-40. In other words they are in no better position than ordinary clerks of other departments. It requires no great effort to realise that if the Head Clerks are to do their work, they must be men of ability and character. The Head Clerks of the Registry Offices and of Magistrates' Courts once occupied the same status but today as a result of the re-organisation and revision in 1105, the former get Rs. 40-60 and the majority of the latter Rs. 25-40. Therefore there needs be no surprise if it is found that this deserving class of Government servants are greatly discontented. Under these circumstances, it would only be the barest of justice that the pay of all the Head Clerks of Registry Offices should be raised to Rs. 40-60 and the invidious distinction between one Head Clerk and another should be forthwith removed.

The stock argument of the Government in cases like this would be want of funds. I submit that if the Government accept the resolution and the pay of the clerks and Head Clerks of the Registration Department revised accordingly, the additional average annual cost would not come to any big

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amount. It will certainly not be such a big sum of money which the Government will find it hard to meet. After all, the Registration Department works at a profit to the Government and any small amount taken from this will not materially affect the financial equilibrium of the State.

Somehow or other, the Government seem to act in a very peculiar way with regard to the Registration Department. There are in the several departments of the Government old, tried, unpassed men who have been rightly exempted from S. O. No. 3 (test qualification) and are therefore eligible to draw Rs. 40-60. There are several of this class now in service drawing this scale of pay. Even after the present Diwan assumed charge I find that such exemption has been given. But in the Registration Department there is a practice of shuttiug out such men from the 40-60 grade. I fail to understand why the principles applied in other departments are not applied in the Registration Department. If unpassed men, because they are unpassed, are unfit for 40-60 grade they must be unfit in all departments. I cannot understand why those who entered Government service in the Registration Department should be singled out for special treatment. This is an unjustifiable anomaly and I do hope that the Government will see that such injustice to a set of officers in one department alone is not allowed to continue.

This Council has been very solicitous of the contentment of the services of the state. From 1104 till now several members of this House have dealt with the grievances of this department by cut motions, resolutions and interpellations. The Government should have considered this attempt as dictated by the compelling justice of the cause. In 1105 the then Superintendent of Registration strongly pleaded to the Government for justice to his sub-ordinates, and I know that after that year another Superintendent of Registration has again pleaded their cause. I am sure that the present Superintendent of Registration also must have strongly supported the cause of the subordinates of his department in reporting to the Government on this resolution. If the Government will place the reports on the table the members will realise how successive heads of the department have urged the Government to do justice to their men. But these reports as well as the efforts of the Council seem to have carried little weight with Government. I therefore appeal to this House to show by its united support to this resolution that this Council is one with the Head of the Registration Department in desiring that justice should be done and that the Registration Department should be treated by the Government as it treats other depart-

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ments. With these words I commend this resolution to the kind acceptance of this House.

Mr. A. Sankara Menon.—Sir, I second this Resolution. I do not want to make a speech. All the facts are clearly stated by the mover and therefore I second it.

Rama Varmha Tampuran.—Sir, I am sorry that the Government have to oppose this motion. I think I will do well to read the following paragraphs from the Order on the Special Finance Committee Report.

"About clerks in the Registry Offices, excepting the Head Clerks, the Committee remarks that there are only copyists, and so it does not propose to bring them within the scale of pay recommended for the generality of clerks. Against this, a large number of petitions has been received from these clerks. The Superintendent recommends the representation of the clerks for favourable consideration and points out how the view taken by the Committee is incorrect, being based on incomplete information.

The following is urged in favour of the petitioners. It may be that the transcription of documents represents the bulk of their work but the accuracy demanded in the transcription into the register volumes is a task requiring care and caution. The process of registration has to be completed as expeditiously as possible, as otherwise parties will be put to inconvenience and hardship. These clerks have therefore often to work extra hours to complete the process of registration. Transcription of documents into the register volumes is not quite exactly of the same nature as the copying of judgments and depositions in civil and criminal courts. Prior to 1095, when the copyists in Civil and Criminal Courts were getting only Rs. 12, the pay of the registry office clerks was fixed at Rs. 15. In the general revision of 1095 no distinction was drawn between clerks of registry offices and those of other offices. Unlike the copyists in courts, the clerks in Registry Offices have other miscellaneous items of clerical work to attend to. Registry office clerks have not been treated as copyists in British India or elsewhere".

I read this portion of the order just to impress upon the House that when the Covernment passed orders on the subject they had all the points that the Honourable Member referred to at present before them. Nothing more than the points mentioned in this extract which I had read just now is given in the Honourable Member's speech. No point was overlooked by the Government when they passed orders on this. All these considerations were urged before the Government by the parties con-

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served—by the clerks themselves and by the Superintendent of Registration—before they passed orders. It was after considering all these points that they passed orders in 1106. The order portion runs thus:—"The Legislative Council is against the decision of the Committee and a resolution passed by it fixes the pay of these clerks at Rs. 25—40. This is also the prayer of the clerks. But for head clerks in most of the registry offices the Committee proposes only the same scale of Rs. 25—40. At present, the clerks get Rs. 20 and 25. These will be modified to Rs. 25—30".

That was the main consideration which induced the Government to put them on the grade of 25—30. They were getting before the revision only a pay of Rs. 20 and 25. It has been modified and a uniform scale of 25—30 has been given instead. The distinction between the copyists of the criminal and civil courts and the clerks of the Registration Department that existed before 1095 has been kept up. The pay of these clerks before the revision was Rs. 20 and Rs. 25. That was modified by the Government and they have been put on a scale of Rs. 25—30. Therefore some benefit has been given to these clerks by the general revision.

As to the other argument that because these people are also clerks they should be given the same scale as is generally allowed to the clerical establishment in the other departments, viz. 25-40, in the opinion of the Government, though they are called clerks, in effect they are only copyists. The responsibilities attached to the post of section clerks in an ordinary office do not exist in the case of these Registration Office clerks. On the other hand, their responsibilities would more correctly approximate to the responsibilities of copyists in the Criminal and Civil Courts. That is the view that the Government have taken on the subject. They do not mind whether these people are styled as copyists or clerks. In effect the work that they do is mainly the coyists' work. They did not therefore put them on the same scale as that of other clerks in the other departments. All the same, their pay was improved to some extent. They were given a uniform scale of 25—30.

Coming to the Head clerks there are two grades in the Registry Offices. I am not speaking of the Registration Superintendent's office. That is altogether different and does not come under the scope of the resolution also. I am confining myself to the Head clerks of the Registry offices. There are two grades, one on 25-40 and the other on 40-60. The Hon'ble Member urged two points in favour of a revision. The first point was that the work of the head clerks is more or less the

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same and therefore, why should there be a distinction in their grades? That is a reasonable point which one can understand. But if that point is accepted in the Registration Department, Government has perforce to apply the same to several other departments. For example, take the case of the Assistant Professors of the College. Almost every one of them is doing the same kind of work. Yet there are or at least there were till very recently two grades there. Take the case of the Medical Department; take the case of any other department and as a matter of fact you will find that the work done there is almost the same and yet there are several grades for the same class of officers. The idea of the Government is that instead of giving a time-scale to each and every one of the officers of all departments they have divided it into several grades with the result that there may be some chances of promotion for the officers from one to the other. It would be ideal to give a long timescale as was done to the auditors in the Comptroller's office. But that means the average expenditure in all departments would rise enormously. As the Government could not accept this in the case of all departments, what they did was to break up the time scale into two or three consecutive grades and put a specified number of officers in each of these grades. This has been done not only in the Registration Department but in several of the other departments as well.

The other point urged by the Hon'ble Member in favour of a revision is that the pay of the lower grade of Head clerks is only the lowest grade of pay in the clerical establishment of other departments, viz., 25-40 and how can the Government give a grade of 25-40 for Head clerks here. Sounds quite reasonable. But again, I am sorry to say that in several small offices this is unfortunately the case. In the Income-tax office, in the treasuries, in the Sirkar Vakils' offices, in the office of the Superintendent of Central Jail, in all these offices you will find that there are Head clerks on a pay of 25-40. I gave this information by way of answer to question No. 112.

Mr. A. Eachara Menon.—In the Revenue Department they can depute any one as Head clerk.

Rama Varmha Tampuran.—I do not know how that affects the point at issue here. The question is whether a person styled as Head clerk can continue on 25-40. I maintain the same situation exists in the other departments also. If you call this an anomaly, this anamolous position exists in the Income-tax Office, in the taluks and in several other departments also. It is for these reasons that the Government are forced to oppose this resolution.

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We have also worked the approximate cost that would be involved if we accept the resolution of the Honourable Member. According to our calculation the total additional expenditure would not be anything less than 7000 rupees. If the Honourable Members would look into the budget of the current year they would see that the balance we have in hand is only a small amount of 18,000 or 20,000 rupees. Out of that small sum we cannot, unfortunately, take a sum of 7000 rupees, just for the revision of pay of the clerks of the Registration Department. It is for these reasons that the Government oppose this resolution.

Mr. Joseph Pettah.—Are all the Head clerks in the Taluk Offices paid only Rs. 25—40?

Rama Varmha Tampuran.—In the following cases the pay of the Head clerks is fixed at Rs. 25—40. 1. Magisterial - Cranganore Magistrate's Court, 2. Revenue - Taluk Officer, 3. Judicial-Sirkar Vakil's Offices, 4. Income-tax-Office of the Income-tax-Officers, 5. Jail - Office of the Superintendent of jails.

Mr. P. Kumaran Ezhuthassan.—May I know in which all Taluk Offices the Head Clerk is paid 25—40. All the Head Clerks of the Taluk Offices are not given 25 to 40. I submit the information furnished is incorrect.

Rama Varmha Tampuran.—I do not admit that it is wrong. Since the answer stands here printed I cannot say that it is wrong till I refer to the records.

Mr. P. Kumaran Ezhuthassan.—May I know the pay of the clerks in the last grade in other departments prior to the special Finance Committee's recommendations.

Rama Varmha Tampuran.—There was no uniform scale for clerks in all departments. I quite understand the question and the significance of it too. I would refer the Hon'ble Member to the appendices to this report. It is impossible to answer this question. If there was a uniform scale for the clerical establishment of all departments, I could have readily answered it. But it is impossible to answer that question one way or the other until one goes through 30 or 40 pages of this report.

Mr. Joseph Pettah.—Sir, I beg to support the resolution. As an introduction I may say it is not a general policy of the non-official members on this side to advocate a general revision of pay for the officers nor do we want to do it now. But my case is that there has been relative injustice done to one set of officers and that relative injustice has to be rectified and everybody treated justly. I think that position can be understood. And when we take up that position on behalf of the

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officers perhaps no motive can be imputed to us otherwise than of seeing that justice is done also in the case of Government servants.

The mover of the resolution has made a long speech elucidating all the points of the question and I want only to analyse the chief points and put them rather briefly before the House so that the position may be more easily understood. All the arguments in this connection have been given in the Diwan's Proceedings read here by the Hon'ble the Secretary to the Diwan. And then his argument is that it is with all these facts before the Government that the Government had come to the conclusion that they should be given only Rs. 25—30. I would say that it makes the position more cruel. The Government cannot say that they were not aware of all these facts and yet they came to a conclusion which is so illogical and unjust and that is what I want to prove.

The Diwan's Proceedings referred to here dated 25th March, 1930, gives the case on behalf of the Head Clerks and if we analyse that we find that the position of the clerks is this. The arguments in their favour would be, first the nature of their work, secondly the relative condition prior to 1095, thirdly the revision in 1095, fourthly the Legislative Council resolution and fifthly the parallel from British and Tranvancore. Let us consider each of these points.

First the nature of their work: The Superintendent of Registration recommends, or it is his opinion, that the work of the registration clerks is not exactly on a parallel with the work of the copyist in certain other departments. He says the "transcription of documents into the register volumes is not quite exactly of the same nature as the copying of judgments and depositions in Civil and Criminal Courts". Any one of us can understand how there is greater responsibility in this work than in the work of copying judgments and depositions where a mistake can be easily rectified and could not be so consequential as this transcription. So the nature of the work is much superior to the work that is done by the copyists.

The relative condition is a very strong argument. Prior to 1095 when the copyists were getting only Rs. 10 and 12 the registry office clerks were getting Rs. 15 and were enjoying a position of superiority prior to 1095. Another argument in their favour is the revision which took place in 1095. No distinction between the clerks of the registry offices and the clerks of other departments was maintained in that revision. There also justice was done in not making a distinction between one set of clerks and another set of clerks. Why should then a

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distinction be made later on. Then there is the resolution of the Legislative Council also in their favour. The Council has passed a resolution fixing their pay at Rs. 25—40. Again if we consider the parallel from British India and Travancore no distinction is shown between the clerks of the registry offices and those of various other departments. These are the five points which are in their favour.

The Hon'ble the Secretary was telling us that all these points were before the Government when the order was passed. But let us look at the transition when we see that the conclusions reached are so illogical in view of the arguments that have been enumerated. The order of the Diwan runs thus:— "This is also the prayer of the clerks. But for Head clerks in most of the registry offices the Committee proposes only the same scale of Rs. 25—40. At present the clerks get Rs. 20 and 25. These will be modified to Rs. 25 to 30...." That because the Committee has recommended 25 to 40 for the Head clerks the clerks should not get Rs. 25—40 is the order of the Government. No account is taken of the arguments advanced. The only fact of the Committee having recommended Rs. 25—40 to the Head clerks is the reason for not giving the same grade to the clerks. The recommendation of the Committee is completely unjust and it is against that recommendation that we are pleading to the Government for a rectification. Therefore to base the conclusion of the Government without any reference to previous facts but only on the fact that the Committee has recommended Rs. 25-40 to the Head clerks and that therefore the clerks should not get even that grade seems to be illogical. Looking at the position of Head clerks in the Registry Offices why should their pay be fixed at Rs. 25—40 passes my comprehension or I cannot understand that there is any justice there. A comparison has been drawn between the Head Clerks of other offices. If at all there is a case of comparison I think that comparison is in favour of the Head Clerks of the Registry Offices. These Head Clerks have not got so much responsibility as the Head Clerks of the Registry offices. That point at least was not before the Government when they issued the proceedings. In no other office will you find the head clerk acting in the place of the principal officer when he is absent on short leave. The Head clerk of the Magistrate's Court is not asked to look after the duties of the Magistrate. But in the Registration Department you find the head clerk acting for the Registrar when he is on leave. What does it imply? It implies that the head clerks must be conversant with all the laws and regulations which the Registrar is expected to know. He has so much responsibility

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on his shoulders that he must be a man of great integrity, great character, respectability and knowledge.

Rama Varmha Tampuran.—I may just inform the House that only those head-clerks who have passed the necessary departmental test examinations are appointed to act as Registrars.

Mr. Joseph Pettah.—Even for such Head clerks possessing all the necessary qualifications you give only 25—40. The head clerks have to act for the Registrars and at the same time they draw only 25—40.

The poor finance has been brought forward and they say it would require six or seven thousand rupees. But calculating for the next year it comes to only Rs. 1440 or so. Of course when the maximum of the scale is reached the expenditure may go high; but for the next year I find that the additional amount required would be less than Rs. 1500. For these various reasons I find the position taken up by the Government is rather illogical and I therefore strongly support the resolution.

Mr. P. Kumaran Ezhuthassan.—Sir, the arguments for doing this bare justice to these 60 or 70 clerks have been sufficiently before the attention of the House and I do not think any further discussion is necessary. Therefore under Rule 25 (1) I move that the question may now be put.

Mr. T. K. Nayar.—I second it.

Motion put and carried.

The resolution was put to the vote of the House and passed, all the non-official members present voting for the resolution.

2. Remission of Land Tax.

Mr. E. Ikkanda Warriar.—Sir, I move the resolution standing in my name.

"This Council recommends to the Government to give a remission of at least 25 per cent of the land revenue this year."

I am afraid I would be insulting the intelligence of this House, if I were, at this part of the day make a long speech to make out a case for my motion. In fact the Government has admitted the justice of my claim because it has already given us a remission of 12½ per cent this year. The House will be pleased to remember that the Government granted us a remission of 18¾ per cent last year. They have reduced it to 12½ per cent this year. I would respectfully ask what are the reasons

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